GOVERNMENT OF INDIA
ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:3349
ANSWERED ON:22.03.2017
Aadhaar for Various Services
Raghavan Shri M. K.

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:
(a) whether the Supreme Court has intervened in the compulsory demand of Aadhaar Card for various usages in Government sector and issued an interim order on the same;
(b) if so, the details including the details of the interim order;
(c) whether the Government is further insisting for compulsory production and linkage of Aadhaar Card in various sectors other than those identified by the Supreme Court;
(d) if so, whether it has come to the notice that EPFO has now made compulsory Aadhaar linkage of accounts for its pensioners;
(e) if so, the various other services for which Aadhaar has been made mandatory; and
(f) the steps Government will take to protect the interim judgment of the Supreme Court and also the privacy of the citizens?

Answer

(a) and (b): The Hon'ble Supreme Court in W.P. (C) No. 494 of 2012 and connected matters had passed the following Interim orders:

(i) In its Interim Order dated 23-09-2013 the Hon'ble Court had directed "....In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant"

(ii) While referring the tagged matters to a larger bench, the Hon'ble Supreme Court had inter alia directed the following in its interim Order dated 11.08.2015:-

"â€¦1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;

2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation..."

(iii) In its Order dated 15-10-2015 the Hon'ble Supreme Court had inter alia directed the following:-
"3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely, P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister"s Jan Dhan Yojana (PMJDY) and Employees" Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015."

(c), (d) and (e): The role of UIDAI under the Ministry is limited to issue of Aadhaar numbers and provide authentication services for establishing identity of the beneficiaries. The usage of Aadhaar for delivery of welfare service benefits or any other purpose and the extent to which Aadhaar is to be used is to be determined by the Implementing agencies such as State Governments / Central Ministries and other agencies.

The usage of Aadhaar is governed by The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016("Act"). Section 7 of the Act provides that the Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which expenditure is incurred from the Consolidated Fund of India, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual shall make an application for enrolment. Section 7 further provides that, if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

(f): The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Act No. 18 of 2016) ("Act"), has come into force from 12.09.2016. The Act provides for a robust framework to ensure the privacy including data integrity and data security of identity information and authentication records of individuals. Section 29 of the Act provides that no core biometric information (iris and fingerprints) shall be shared with anyone for any reason whatsoever, and the same shall not be used for any purpose other than Aadhaar generation and authentication. It further provides that no Aadhaar number or core biometrics collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specifically provided for by the regulations framed under this Act.

Section 33 of the Act provides in detail the circumstances and manner in which disclosure of identity information (except core biometrics) or authentication records can be made. Disclosure can be made only pursuant to an order of a court not inferior to that of a District Judge and / or disclosure made in the interest of national security in pursuance of a direction of an officer not below the rank of a Joint Secretary to the Government of India specially authorized for the said purpose. Further, any direction issued pursuant to concerns of national security, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Ministry of Electronics and Information Technology, before it takes effect. Any such direction would be valid for three months from date of issue and extended for further period of three months after review by the Oversight Committee.

UIDAI's Central Identities Data Repository (CIDR) facilities, Information Assets, Logistics and Infrastructure and Dependencies installed at UIDAI have been classified as Protected System under section 70 (1) of the Information Technology Act, 2000 w.e.f. 11 December 2015. UIDAI in order to further strengthen its security protocols has received ISO 27001 certification which is globally accepted as the highest standard for IT security.
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